

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERMENIGILDO ZEGNA CORPORATION,

Plaintiff,

against

ORDER ADOPTING REPORT
AND RECOMMENDATION
06-CV-1388 (JS) (WDW)

ALTIERI STUDIO, INC.,

Defendant.

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APPEARANCES:

For Plaintiff: Kristina M. Zarlengo, Esq.
Mark Alan Lerner, Esq.
Satterlee Stephens Burke & Burke LLP
230 Park Avenue
New York, New York 10169

For Defendant: No appearance

SEYBERT, District Judge:

On March 24, 2006, Plaintiff filed suit against Defendant for claims of counterfeiting, trademark infringement, dilution, and unfair competition under the Lanham Act and state law. On August 7, and September 9, 2006, Plaintiff filed motions for default judgments. On August 8, 2006, the Clerk of the Court certified that Defendant failed to answer or otherwise move in this action.

Pursuant to Rules 55 and 73 of the Federal Rules of Civil Procedure and Rule 72.2 of the Local Civil Rules for the Eastern District of New York, this Court referred this matter to Magistrate Judge William D. Wall to report and recommend on whether Plaintiff was entitled to the relief it requested in its motions and whether a default judgment should enter against Defendant. On October 5,

2006, Magistrate Judge Wall recommended that a default judgment be entered against Defendant and that Plaintiff's relief for a permanent injunction be granted. On November 14, 2006, Plaintiff served upon Defendant a copy of the Report and Recommendation.

After reviewing the Report and Recommendation of Magistrate Judge William D. Wall, dated October 5, 2006, to which no party has objected,¹ the Court ADOPTS the Report and Recommendation in its entirety. The Clerk of the Court is ordered to enter a judgment of default against Defendant. The Court permanently enjoins Defendant, "together with its officers, agents, servants, and employees and those persons acting in concert with it or them," from "directly or indirectly using any of Zegna's marks or any confusingly similar marks and/or passing off or otherwise representing to the public that Altieri's products or services are in any way sponsored by, created by, endorsed by, emanate from or are affiliated with Zegna." (Zarlengo Aff. Ex. E.)

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
January 23, 2007

¹ As no party has objected to the Report and Recommendation, all objections are deemed waived. See 28 U.S.C. § 636(b)(1); FED R. Civ. P. 72; Beverly v. Walker, 118 F.3d 900, 902 (2d Cir. 1997); Savoie v. Merchants Bank, 84 F.3d 52, 60 (2d Cir. 1996).